



MANAGEMENT COMMITTEE MEETING AGENDA

Special Meeting

Wednesday, June 24, 2015, 4:00 p.m.

Via Conference Call (see instructions below)*

City of Antioch:	Phil Hoffmeister (Chair) / Ron Bernal
City of Brentwood:	Jagtar Dhaliwal / Jeffrey Cowling
City of Clayton:	Laura Hoffmeister / Charlie Mullen / Rick Angrisani
City of Concord:	Robert Ovadia / Frank Kennedy
Town of Danville:	Chris McCann / Steve Lake / Michael Stella
City of El Cerrito:	Stephen Prée / Yvetteh Ortiz / Maria Sanders
City of Hercules:	Jeff Brown / Jose Pacheco / Mike Roberts
City of Lafayette:	Donna Feehan / Ron Lefler
City of Martinez:	Tim Tucker / Khalil Yowakim
Town of Moraga:	Edric Kwan / Frank Kennedy
City of Oakley:	Keith Coggins / Frank Kennedy / Billilee Saengchalern
City of Orinda:	Wendy Wellbrock/ Larry Theis / Charles Swanson / Daniel Chavarria
City of Pinole:	Dean Allison / Frank Kennedy
City of Pittsburg:	Jolan Longway (Vice-Chair) / Laura Wright / Keith Halvorson
City of Pleasant Hill:	Rod Wui
City of Richmond:	Joanne Le
City of San Pablo:	Karineh Samkian / Amanda Booth / Barbara Hawkins
City of San Ramon:	Steven Spedowski / Robin Bartlett / Maria Fierner
City of Walnut Creek:	Rinta Perkins / Carlton Thompson /Steve Waymire
Contra Costa County:	Cece Sellgren / Mike Carlson / Julie Bueren
CCC Flood Control & Water Conservation District:	Mike Carlson / Tim Jensen

PLEASE MARK YOUR CALENDAR NOW

Next Management Committee Meeting:

Wednesday, July 15, 2015, 1:15 p.m.

255 Glacier Drive, Martinez, Conference Room A

The Contra Costa Clean Water Program will provide reasonable accommodations for persons with disabilities that are planning to participate in Management Committee meetings.

Contact Erica Lashley-Cornell at least 48 hours before the meeting at (925) 313-2360.

*** To dial in to the meeting, call 1-877-336-1828, and enter Access Code 9177212 when prompted.**

**CONTRA COSTA CLEAN WATER PROGRAM
Management Committee Meeting Agenda
Special Meeting
June 24, 2015**

AGENDA

Introductions/Announcements/Changes to Agenda

Public Comments: Any member of the general public may address the Management Committee on a subject within their jurisdiction and not listed on the agenda. Remarks should not exceed three (3) minutes.

Regional Water Quality Control Board Staff Comments/Reports:

05 min. 4:00 pm

- A. Selina Louie – San Francisco Bay
- B. Genevieve Sparks – Central Valley

Action:

- A. APPROVE BASMAA's Comment Letter on the May 11 Draft Tentative Order for the Municipal Regional Stormwater Permit, and its Submittal to the San Francisco Bay Regional Water Quality Control Board on Behalf of the Contra Costa Clean Water Program Permittees (Tom Dalziel)

20 min. 4:05 pm

Old/New Business:

Adjournment: Approximately 4:25 p.m.

UPCOMING SPECIAL EVENTS and/or DEADLINES

July 8, 2015	Public Hearing for the Tentative Order for the San Francisco Bay Region Municipal Regional Stormwater Permit, Elihu M. Harris State Building, First Floor Auditorium, 1515 Clay Street, Oakland. The start time for the hearing has not yet been identified. The Board will accept oral testimony for Provision C.10 – Trash Load Reduction, and any testimony that the Board continued at the June 10, 2015 hearing due to time constraints. The Draft Tentative Order can be downloaded at: http://www.swrcb.ca.gov/rwqcb2/water_issues/programs/stormwater/Municipal/mrp_page_4.shtml
July 10, 2015	5:00 PM deadline for the written comment period for the May 11, 2015 Draft Tentative Order for the Municipal Regional Stormwater Permit. Written comments should be submitted to the following email address: mrp.reissuance@waterboards.ca.gov
July 15, 2015	Letters of Authorization from City/Town Managers to Program Staff for Annual Participation in Matthew Bolender's Mr. Funnelhead/Used Oil Recycling Program
July 17, 2015	Deadline for informing Program staff of any special issues or circumstances that will result in your agency not being able to submit all or a portion of your Final Municipal Annual Report by the August 26, 2015 deadline (see below)
Aug. 26, 2015	Submit Final Municipal Annual Report as a single PDF file to Erica Lashley-Cornell elash@pw.cccounty.us or upload to Groupsite
Sept. 9, 2015	Each Duly Authorized Municipal Representative Approves the Final Draft Group Program Annual Report and Regional Supplemental Annual Report(s) <u>via a Special Management Committee Conference Call</u> , and Directs the Program Manager to Sign and Certify the Submittals on Their Behalf
October 14, 2015	Tentative Adoption Hearing for the Tentative Order for the San Francisco Bay Region Municipal Regional Stormwater Permit, Elihu M. Harris State Building, First Floor Auditorium, 1515 Clay Street, Oakland. The Draft Tentative Order can be downloaded at: http://www.swrcb.ca.gov/rwqcb2/water_issues/programs/stormwater/Municipal/mrp_page_4.shtml
Oct. 19-21, 2015	11 th Annual CASQA Conference, Monterey. For more information, visit https://www.casqa.org/events/annual-conference

FUTURE PROGRAM COMMITTEE MEETINGS

All meetings held at 255 Glacier Drive, Martinez, Conference Room A, except as noted.

June 24 4 th Wednesday	Public Information / Participation (PIP) Committee Meeting, 10:00 a.m. – 12:00 noon
July 07 1 st Tuesday	Administrative Committee (AC) Meeting 9:30 a.m. – 12:00 noon
July 12 2 nd Monday	Monitoring Committee (MonC) Meeting, 10:00 a.m. – 12:00 noon, Conference Room G
July 12 2 nd Monday	AD Hoc PCB Workgroup 12:30-2:30 p.m., Conference Room G
July 15 3 rd Wednesday	Management Committee (MC) Meeting, 1:15 p.m. – 4:30 p.m.
July 22 4 th Wednesday	Development Committee (DC) Meeting, 1:30 p.m. – 5:00 p.m.
August 03 1 st Monday	Municipal Operations Committee (MOC) Meeting, 10:00 a.m. – 12:00 noon
Sept. 9	Special Management Committee (MC) Meeting, 1:15 p.m. – 2:00 p.m. Each Duly Authorized Municipal Representative Approves the Final Draft Group Program Annual Report and Regional Supplemental Annual Report(s) via a Special Management Committee Conference Call, and Directs the Program Manager to Sign and Certify the Submittals on Their Behalf. Conference Call Number: (877) 336-1828, Access Code: 9177212

MONTHLY BASMAA SUBCOMMITTEE MEETINGS

Times and locations for the BASMAA Subcommittee meetings are subject to change.

Development Committee, 1:30 – 4:00 p.m. (1 st Tuesday during odd months while MRP Steering Committee is meeting)	1 st Thursday
Monitoring/POCs Committee, 9:30 a.m. – 3:00 p.m.	1 st Wednesday
Public Information/Participation Committee, 1:30 – 4:00 p.m.	4 th Wednesday
Municipal Operations Committee, 1:30 – 3:30 p.m.	3 rd Thursday
Trash Subcommittee, 9:30 a.m.-12 noon	4 th Tuesday



Date: June 24, 2015

To: Management Committee

From: Tom Dalziel, Program Manager
Contra Costa Clean Water Program

Subject: Action Item A – APPROVE BASMAA’s Draft Comment Letter on the May 11 Draft Tentative Order for the Municipal Regional Stormwater Permit, and its Submittal to the San Francisco Bay Regional Water Quality Control Board on Behalf of the Contra Costa Clean Water Program Permittees

Recommendation:

Approve BASMAA’s draft comment letter on the Draft Tentative Order (TO) for reissuance of the Municipal Regional Permit (MRP).

Background:

This item was originally scheduled for consideration by the Management Committee at the June 17, 2015 meeting; however, this item had to be delayed since the draft letter was not yet completed. See Action Item A in the June 17, 2015 Management Committee agenda packet for further background regarding this action item.

Discussion:

Comment letters on the May 11 Draft TO for reissuance of the MRP are due by 5:00 PM on Friday, July 10. Attached is the draft comment letter prepared by BASMAA on behalf of all MRP Permittees. The comments are focused on the regional high priority issues. Each Stormwater Program is being asked to review and approve the draft comments, which the BASMAA Board of Directors will review and approve at their June 25 meeting.

Program staff is preparing a separate letter with comments on behalf of Permittees within the Contra Costa Clean Water Program. These comments will be prepared for review and approval by the Administrative Committee on July 7. **All Management Committee representatives are strongly encouraged to attend the July 7 Administrative Committee meeting.** Individual municipalities are also strongly encouraged to submit comment letters. An example comment letter was provided to the Contra Costa County Public Managers Association on June 11. The same example

letter and accompanying table was emailed to the Management Committee on Friday, June 12.

The Management Committee is being asked to approve BASMAA's draft comment letter on the May 11 Draft TO for reissuance of the MRP, and its submittal to the Water Board by the July 10 deadline.

Attachments:

1. BASMAA's Written Comment Letter on the May 11 Draft Tentative Order for Reissuance of the Municipal Regional Permit.

TD

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B A S M A A

Alameda Countywide
Clean Water Program

Contra Costa
Clean Water Program

Fairfield-Suisun
Urban Runoff
Management Program

Marin County
Stormwater Pollution
Prevention Program

Napa County
Stormwater Pollution
Prevention Program

San Mateo Countywide
Water Pollution
Prevention Program

Santa Clara Valley
Urban Runoff Pollution
Prevention Program

Sonoma County
Water Agency

Vallejo Sanitation
and Flood
Control District

July 10, 2015 **DRAFT**

Bruce Wolfe, Executive Officer
California Regional Water Quality Control Board, San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Municipal Regional Stormwater Permit–Tentative Order

Dear Mr. Wolfe:

The purpose of this correspondence is to submit the Bay Area Stormwater Management Agencies Association’s (“BASMAA’s”)¹ written comments to the Regional Water Board staff’s Tentative Order for the San Francisco Bay Region for the Municipal Regional Stormwater Permit (“Draft MRP”), dated May 11, 2015.

On behalf of the 76 BASMAA member agencies covered by the current MRP (“Permittees”), thank you for this opportunity to comment on the Draft MRP. These written comments follow up our testimony at the June 10 and July 8 Board Meetings.

Thank you to staff for the process used to reach this point in the development of the Draft MRP. With your staff we created a Steering Committee comprised of high-level managers (e.g., Public Works Directors) and stormwater staff from the local agencies and the Water Board to guide the permit development process, including setting priorities and focusing on issues of most importance to stormwater quality. That has allowed us to get to this point in the process in less than 2 years when it took much longer in the last permit reissuance process.

Thank you also to your staff for being supportive of our efforts to secure grants either directly or through others to help implement permit provisions:

Clean Watersheds for a Clean Bay	EPA	\$5,000,000
IPM Advocates for Retail Stores	DPR	\$170,000
Tracking California’s Trash	State Water Board	\$870,000
Got Ants	DPR-ABAG	\$99,208
Greener Pesticides for Cleaner Waterways	EPA-ABAG	\$42,000
IPM Focus on Multi-Unit Housing	DPR	\$199,927
Urban Greening Bay Area	EPA-ABAG	\$200,000

We have a good batting average in securing grants and the information gained through grants has helped inform our next steps in improving stormwater quality.

¹ BASMAA is a 501(c)(3) non-profit organization comprised of the municipal stormwater programs in the San Francisco Bay Area representing 98 agencies, including 84 cities, 7 counties, and several special districts. BASMAA focuses on regional challenges and opportunities to improve the quality of stormwater flowing to our local creeks, the Delta, San Francisco Bay, and the Pacific Ocean. The Municipal Regional Permit covers 76 of BASMAA’s 98 member agencies.

Bay Area

Stormwater Management

Agencies Association

P.O. Box 2385

Menlo Park, CA 94026

510.622.2326

info@basmaa.org

Comments

Regarding the Draft MRP development process, while we appreciate the focus on issues of most importance for stormwater quality; so far however there has not been a concomitant reduction in requirements that likely have little importance or effect on stormwater quality. For the high priority issues, like reduction in PCBs loads, staff is proposing some major new requirements. The Permittees want to spend most of their effort on high priority issues but will not be able to afford to do so without some relief on medium and low priority items.

The Steering Committee has determined the high priority issues and their corresponding permit provisions are:

- C.3.j – Green Infrastructure Planning and Implementation
- C.10 – Trash Load Reduction
- C.12 – PCBs Controls (C.11 Mercury Controls)

For each of the high priority provisions, the major concerns and recommended revisions follow.

C.3.j – Green Infrastructure Planning and Implementation

In general, this provision continues to be the most challenging and most uncertain portion of Provision C.3 in terms of what will constitute compliance. The language in section C.3.j needs to be more consistent with the expectations in Provisions C.11 and C.12. Discussions with Regional Water Board staff on C.11 and C.12 have suggested that load reductions can be accomplished by public retrofits and private development and redevelopment, whereas C.3.j only refers to public retrofits.

Recommended Revisions: Make more explicit in C.3.j (as well as in C.11/C.12) that private development and redevelopment as well as public projects will count toward meeting POC load reductions. Efforts during the Draft MRP term should focus on planning and opportunistic implementation where feasible.

C.3.j.i.(1) – GI Framework

The green infrastructure (GI) framework has to be developed and approved by local governing bodies within one year (by 12/1/16) and then reported in the 2017 Annual Report (9/15/17). This is a very short timeframe given the effort required to coordinate and educate upper level staff and elected officials, prepare the framework, conduct resource planning, and accommodate lead times for bringing the framework to governing bodies.

Recommended Revisions: Extend the timeframe for approval to the reporting date (9/15/17), which would provide an additional 9 months

GI Plan (C.3.j.i.(1)(a)) – Prioritization and mapping of potential and planned projects will be a major, resource- intensive effort, which may not be completed within 2 years. Additional flexibility in approaches to mapping and prioritization is needed. In addition, the time intervals for planning should be aligned with fiscal years, and made consistent with the time intervals for load reductions in C.11/C.12 (i.e., 2020 and 2030).

Recommended Revisions: The mechanisms used to develop the Plan and priorities should include other less complex tools in addition to GreenPlan - IT. The time intervals should be changed to FY 19 - 20, FY 24 - 25, and FY 29 - 30.

GI Plan (C.3.j.i.(1)(c)) – The timeframes for establishing “targets” for amount of impervious surface retrofitted do not line up at all with the directly related C.11/C.12 load reduction timeframes.

Recommended Revisions: Allow the development of “projections” instead of “targets”, and allow Permittees to include projected private development as well as public projects. Allow the projections to be developed for the years 2020, 2030, 2040, and 2065, consistent with C.11/C.12.

C.3.j.ii. – Early Implementation

It is unclear how compliance with this section will be determined. The review process needs to be more defined and objective, in order to avoid disagreements with Regional Water Board staff as to what are “missed opportunities”.

Recommended Revisions: Add proposed language (provided in early input to the Administrative Draft, as shown in below) that would allow for consistent review of CIP projects for GI opportunities, based on specified criteria.

“Permittees shall review and analyze appropriate projects within the Permittee’s capital improvement program, and for each project, assess the opportunities and associated costs of incorporating LID into the project. The analysis shall consider factors such as grading and drainage, pollutant loading associated with adjacent land uses, uses of available space with the project area, condition of existing infrastructure, opportunities to achieve multiple benefits such as providing aesthetic and recreational resources, and potential availability of incremental funding to support LID elements along with other relevant factors. Permittees will collectively evaluate and develop guidance on the criteria for determining practicability of incorporating green infrastructure measures into planned projects.”

C.10 – Trash Load Reduction

C.10.a – Trash Reduction Requirements

Mandatory Reduction Time Schedule – A 70% load reduction by 2017 is too rigorous of a time schedule and should be extended. As the percentage increases, reductions become increasingly challenging and more time is therefore needed to find and implement sustainable control measures.

Recommended Revisions: Extend 70% load reduction time schedule to 2018.

Private Drainages – Regional Water Board staff has explained the intent of this provision is to ensure Permittees know the significant sources and controls in any given area. However, the requirement to map and assess ALL private drainages 5,000 ft² and above is a significant undertaking that would result in minimal water quality benefit. Additionally, there are alternative approaches to addressing private drainages that would address staff’s intent without

creating significant new products (i.e., database, maps) that need constant review and updating to stay current and useful.

Recommended Revisions: Integrate inspections and enforcement of high priority private drainage areas into C.4 programs (Industrial and Commercial Site Controls).

C.3 Facilities as Full Capture Systems – The requirement to screen overflow pipes on C.3 facilities before considering such facilities as full capture systems is problematic and inconsistent with the full capture definition. The State Water Board has committed to working with the California Stormwater Quality Association (CASQA) to develop design specifications for the treatment controls in the online BMP Handbook / Portal that would qualify C.3 facilities as full capture systems.

Recommended Revisions: Make C.3 facilities designed and built to meet full trash capture criteria equivalent to full capture systems.

C.10.b – Trash Reduction Outcomes

Full Capture System Maintenance – Prescriptive maintenance frequencies for systems based on trash generation categories is inconsistent with the experience of Permittees. Maintenance frequencies are site-specific and affected by the amount of vegetative materials and debris reaching the device and the size and type of the inlet vault, not the amount of trash generated.

Recommended Revisions: Require Permittee - specific maintenance program to be implemented and adapted accordingly to achieve and maintain full capture criteria, with a minimum annual inspection frequency.

Value of Source Controls – A maximum of 5% reduction for implementing source controls is too low and inconsistent with information collected to- date.

Recommended Revisions: Increase maximum to 20% reduction for source controls, with supporting evidence.

Receiving Water Monitoring – The intent of receiving water monitoring downstream of areas converted to low generation remains unclear. The requirement that locations of sites have to be downstream of areas converted to low generation implies that compliance with MS4 reductions will be determined in the future via receiving water monitoring.

Recommended Revisions: Revise language to state that purpose is “...to evaluate the level of trash present in receiving waters over time, and to the extent possible determine whether there are ongoing sources outside of the Permittee’s jurisdiction that are causing or contributing to adverse trash impacts in the receiving water(s).”

C.10.e – Optional Offsets

Additional Creek and Shoreline Cleanup – A maximum of 5% offset for these important actions

is too small. The ratio of trash removed to offset (i.e., 10:1) is too large. The requirement for cleanups to occur a minimum of 2x at a site creates inflexibility and is too constraining.

Recommended Revisions: Increase maximum to 10% for additional creek/shoreline cleanups. No minimum on cleanup frequency at a site. Reduce ratio to 3:1.

Direct Trash Discharge Controls – The maximum of 10% offset for these important actions is too small. The ratio of trash removed to offset (i.e., 10:1) is too large.

Recommended Revisions: Omit maximum % reduction value for direct discharge control program. Reduce ratio to 3:1.

C.12 – PCBs Controls (C.11 Mercury Controls)

C.12.a – Implement Control Measures to Achieve Load Reductions

There is a lack of clear and feasible pathway for Permittees to attain compliance with the load reduction requirements. Most factors that would be key to meeting the criteria are uncertain and many are not within Permittees’ control – making achievement of compliance uncertain.

These factors include:

- PCBs are legacy pollutants of concern that are long-lived and ubiquitous but at generally very low concentrations, which makes stormwater treatment expensive and likely ineffective.
- The Regional Water Board-recommended BMP (Manage PCB-containing Materials and Wastes During Building Demolition) is opportunistic and yet existence of opportunities is uncertain and dependent on factors not within Permittees’ control (e.g., extent of source properties found, building demolition rates, redevelopment rates).
- There is no agreed-to accounting method to assess performance.

Despite all of these uncertain and uncontrollable factors – intractable problem, no clear solution (BMP), and no agreed-to measure of success – staff is proposing to commit Permittees to a specific regulatory performance level (Kg/year reduced).

Recommended Revisions: Load reduction performance criteria should not be the point of compliance. Base compliance upon implementing PCBs control programs designed to achieve the load reduction performance criteria, based on the interim accounting method.

C.12.b – Assess Load Reductions from Stormwater

BASMAA and Regional Water Board staff recently worked together to develop an interim accounting method. It was intended to provide a basis for stipulated load reduction benefits for implementation of the primary PCBs control programs that Permittees anticipate implementing during the Draft MRP permit term (this interim accounting method would be revised before the next permit term). BASMAA appreciates that Regional Water Board staff included in the fact

sheet much of the information developed for the interim accounting method. However, values for certain key accounting parameters for managing PCBs- containing materials and wastes during building demolition activities were left out.

Recommended Revisions: Include in the interim accounting method values for all parameters to allow for scrutiny during the public permit review process, given the uncertainty in these values. It is especially important to include values for all parameters associated with managing PCBs-containing materials and wastes during building demolition activities, including the fraction of PCBs mass in a building that enters the MS4 during demolition in the absence of enhanced controls, which is particularly uncertain.

The requirement to formally submit load reduction assessment methodology early in the permit term for Executive Officer approval creates uncertainty in the load reduction benefit for each PCBs control program.

Recommended Revisions: Omit the requirement to submit load reduction accounting method early in the permit term. Instead, the interim accounting method should be finalized, incorporated into the permit, and then used to calculate PCBs load reductions during Permittee annual reporting.

Regional Water Board staff has acknowledged that load reduction performance criteria are not effluent limits. This should be made clear in the permit. In addition, further clarity is needed regarding the legal definition of the performance criteria and implications with regard to enforcement and potential third party lawsuits.

Recommended Revisions: PCBs load reduction performance criteria should be in the form of action levels. In addition, the permit should include contingency language that would allow for achieving compliance if a good - faith demonstration of solid efforts and actions by Permittees consistent with permit requirements falls short of achieving the load reduction performance criteria.

C.12.f. Manage PCB-containing Materials and Wastes During Building Demolition

The various facets of this issue (i.e., water quality, human exposure at the site, and disposal) should be addressed holistically on a statewide or federal basis rather than focusing on water quality BMPs in the Bay Area only. Meeting the Tentative Order's three-year timeframe to develop a program to manage PCBs in building materials and wastes during demolition would likely require administration at the local level. This approach would result in highly inefficient use of scarce public funds and likely be ineffective at comprehensively addressing the problems. It would also likely result in inconsistent programs across the Bay Area and unintended consequences.

Recommended Revisions: Allow at a minimum the entire permit term for Permittees to work with the State, USEPA, the building industry, and other stakeholders to attempt to develop a comprehensive statewide or federal program analogous to current programs for asbestos and lead paint. Given the multiple environmental and public health issues in play, USEPA should play a large role in development of this program.

C.11/C.12

In general, the compliance timelines presented in the various sections of C.12 are too short. Many of the required submittal and/or completion deadlines would be extremely difficult, if not infeasible, to meet. For example, provision C.11 and C.12.a.iii.(1) requires a list of watersheds (or portions therein) where mercury and PCB control measures are currently being implemented and those in which control measures will be implemented. Additionally, provision C12.a.ii.(4) requires the reporting of "Permittee- specific load fractions" for PCBs reductions by April 2016.

Recommended Revisions: Work with BASMAA to develop more realistic report/plan submittal and compliance timelines.

The level of effort and associated resources required to implement Provisions C.11/C.12 of the Draft MRP are currently unknown but could be dramatically higher than implementing the current MRP Provisions C.11/C.12. Much of the cost of implementing the current MRP Provisions C.11/C.12 was offset by a grant from USEPA that will end in 2016 (i.e., Clean Watersheds for a Clean Bay grant). The availability of grant or other funding for implementing Draft MRP Provisions C.11/C.12 is uncertain.

Recommended Revisions: As a starting point, making all of the above recommended revisions would result in much greater certainty regarding the level of effort and associated resources that would be required to comply with Provisions C.11/C.12.

In addition to the comments above, we incorporate by reference the comments we provided on the Administrative Draft MRP on March 9, 2015; March 16, 2015; and March 27, 2015.

Thank you again for the opportunity to provide comments on the Draft MRP.

If you have any questions regarding these comments, please contact me or our Executive Director, Geoff Brosseau.

Sincerely,

Matthew Fabry, Chair

cc: Terry Young, Chair, San Francisco Bay Regional Water Board
Regional Water Board Members
Tom Mumley, Assistant Executive Officer, Regional Water Board
Keith Lichten, Chief – South Bay Watershed Management Division, Regional Water Board
Dale Bowyer, Section Leader – Southeast Bay Section, Regional Water Board
BASMAA Board of Directors